

ASSEMBLY BILL

No. 1475

Introduced by Assembly Member Maze

February 22, 2005

An act to amend Section 12814.6 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1475, as introduced, Maze. Provisional licensing program.

(1) Existing law, the Brady–Jared Teen Driver Safety Act of 1997, allows for the issuance of a driver's license to a person at least 16 years of age but under 18 years of age under the provisional licensing program if that person meets certain education and training requirements. Under the act, except as specified, during the first 12 months after the issuance of a provisional driver's license, the licensee is prohibited from driving between the hours of 12 midnight and 5 a.m., and during the first 6 months after issuance, the licensee is prohibited from transporting passengers who are under 20 years of age, unless in either situation the licensee is accompanied and supervised by a licensed driver who is the licensee's parent or guardian, a licensed driver who is 25 years of age or older, or a licensed or certified driving instructor. Existing law imposes various sanctions for violating the above restrictions including, alternatively, specified fines and community service requirements.

This bill would create an additional exception to the above-described driving restrictions by allowing a provisional licensee to drive between midnight and 5 a.m. or transport an immediate family member without the supervisory restrictions when involved in activities of a tax-exempt nonprofit charitable or religious organization under specified conditions.

The bill would also revise the alternative sanctions by increasing the amount of the fines and the duration of the community service.

The bill would also require the imposition of a 6-month or a 2-year suspension of driving privileges where an accident occurs involving an injury or death at the time of the violation of a provisional driving license restrictions and a value of one point or more was assigned to the licensee's driving record as a result of that incident.

Because this bill would increase the level of service of local law enforcement with respect to community service monitoring, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12814.6 of the Vehicle Code is
2 amended to read:
3 12814.6. (a) Except as provided in Section 12814.7, a
4 driver's license issued to a person at least 16 years of age but
5 under 18 years of age shall be issued pursuant to the provisional
6 licensing program contained in this section. The program shall
7 consist of all of the following components:
8 (1) Upon application for an original license, the applicant shall
9 be issued an instruction permit pursuant to Section 12509. A
10 person who has in his or her immediate possession a valid permit
11 issued pursuant to Section 12509 may operate a motor vehicle,
12 other than a motorcycle or motorized bicycle, only when the
13 person is either taking the driver training instruction referred to
14 in paragraph (3) or practicing that instruction, provided the
15 person is accompanied by, and is under the immediate
16 supervision of, a California licensed driver 25 years of age or
17 older whose driving privilege is not on probation. The age

1 requirement of this paragraph does not apply if the licensed
2 driver is the parent, spouse, or guardian of the permitholder or is
3 a licensed or certified driving instructor.

4 (2) The person shall hold an instruction permit for not less
5 than six months prior to applying for a provisional driver's
6 license.

7 (3) The person shall have complied with one of the following:

8 (A) Satisfactory completion of approved courses in
9 automobile driver education and driver training maintained
10 pursuant to provisions of the Education Code in any secondary
11 school of California, or equivalent instruction in a secondary
12 school of another state.

13 (B) Satisfactory completion of an integrated driver education
14 and training program that is approved by the department and
15 conducted by a driving instructor licensed under Chapter 1
16 (commencing with Section 11100) of Division 5. The program
17 shall utilize segmented modules, whereby a portion of the
18 educational instruction is provided by, and then reinforced
19 through, specific behind-the-wheel training before moving to the
20 next phase of driver education and training. The program shall
21 contain a minimum of 30 hours of classroom instruction and six
22 hours of behind-the-wheel training.

23 (C) Satisfactory completion of six hours or more of
24 behind-the-wheel instruction by a driving school or an
25 independent driving instructor licensed under Chapter 1
26 (commencing with Section 11100) of Division 5 and either an
27 accredited course in automobile driver education in any
28 secondary school of California pursuant to provisions of the
29 Education Code or satisfactory completion of equivalent
30 professional instruction acceptable to the department. To be
31 acceptable to the department, the professional instruction shall
32 meet minimum standards to be prescribed by the department, and
33 the standards shall be at least equal to the requirements for driver
34 education and driver training contained in the rules and
35 regulations adopted by the State Board of Education pursuant to
36 the Education Code. A person who has complied with this
37 subdivision shall not be required by the governing board of a
38 school district to comply with subparagraph (A) in order to
39 graduate from high school.

(D) Except as provided under subparagraph (B), a student may not take driver training instruction, unless he or she has successfully completed driver education.

(4) The person shall complete 50 hours of supervised driving practice prior to the issuance of a provisional license, which is in addition to any other driver training instruction required by law. Not less than 10 of the required practice hours shall include driving during darkness, as defined in Section 280. Upon application for a provisional license, the person shall submit to the department the certification of a parent, spouse, guardian, or licensed or certified driving instructor that the applicant has completed the required amount of driving practice and is prepared to take the department's driving test. A person without a parent, spouse, guardian, or who is an emancipated minor, may have a licensed driver 25 years of age or older or a licensed or certified driving instructor complete the certification. This requirement does not apply to motorcycle practice.

(5) The person shall successfully complete an examination required by the department. Before retaking a test, the person shall wait for not less than one week after failure of the written test and for not less than two weeks after failure of the driving test.

(b) Except as provided in Section 12814.7, the provisional driver's license shall be subject to all of the following restrictions:

(1) Except as specified in paragraph (3), during the first six months after issuance of a provisional license the licensee may not do any of the following unless accompanied and supervised by a licensed driver who is the licensee's parent or guardian, a licensed driver who is 25 years of age or older, or a licensed or certified driving instructor:

(A) Drive between the hours of 12 midnight and 5 a.m.

(B) Transport passengers who are under 20 years of age.

(2) During the second six months after issuance of a provisional license the licensee may transport passengers under the age of 20 years between the hours of 5 a.m. and 12 midnight without supervision. This driving time restriction may not modify or alter any local ordinance that restricts or prohibits cruising during specified proscribed hours. However, the restriction

1 imposed under subparagraph (A) of paragraph (1) shall continue
2 to apply during this period.

3 (3) A licensee may drive between the hours of 12 midnight
4 and 5 a.m. or transport an immediate family member without
5 being accompanied and supervised by a licensed driver who is
6 the licensee's parent or guardian, a licensed driver who is 25
7 years of age or older, or a licensed or certified driving instructor,
8 in the following circumstances:

9 (A) Medical necessity of the licensee when reasonable
10 transportation facilities are inadequate and operation of a vehicle
11 by a minor is necessary. The licensee shall keep in his or her
12 possession a signed statement from a physician familiar with the
13 condition, containing a diagnosis and probable date when
14 sufficient recovery will have been made to terminate the
15 necessity.

16 (B) Schooling or school-authorized activities of the licensee
17 when reasonable transportation facilities are inadequate and
18 operation of a vehicle by a minor is necessary. The licensee shall
19 keep in his or her possession a signed statement from the school
20 principal, dean, or school staff member designated by the
21 principal or dean, containing a probable date that the schooling or
22 school-authorized activity will have been completed.

23 (C) *Activities of a nonprofit charitable or religious*
24 *organization that is exempt from taxation under Section*
25 *501(c)(3) of the Internal Revenue Code when reasonable*
26 *transportation facilities are inadequate and operation of a*
27 *vehicle by a minor is necessary. The licensee shall keep in his or*
28 *her possession a signed statement from an authorized official of*
29 *that organization, containing a schedule of authorized activities*
30 *and a signed statement from a parent or legal guardian*
31 *confirming his or her agreement that this exception is applicable.*

32 Employment necessity of the licensee when reasonable
33 transportation facilities are inadequate and operation of a vehicle
34 by a minor is necessary. The licensee shall keep in his or her
35 possession a signed statement from the employer, verifying
36 employment and containing a probable date that the employment
37 will have been completed.

38 ~~(D)~~

39 (E) Necessity of the licensee or the licensee's immediate
40 family member when reasonable transportation facilities are

1 inadequate and operation of a vehicle by a minor is necessary to
2 transport the licensee or the licensee's immediate family
3 member. The licensee shall keep in his or her possession a signed
4 statement from a parent or legal guardian verifying the reason
5 and containing a probable date that the necessity will have
6 ceased.

7 ~~(E)~~

8 (F) The licensee is an emancipated minor.

9 (c) A law enforcement officer may not stop a vehicle for the
10 sole purpose of determining whether the driver is in violation of
11 the restrictions imposed under subdivision (b).

12 (d) (1) Upon a finding that any licensee has violated
13 paragraph (1) or (2) of subdivision (b), the court shall impose one
14 of the following:

15 (A) Not less than ~~eight~~ 16 hours nor more than ~~16~~ 32 hours of
16 community service for a first offense and not less than ~~16~~ 32
17 hours nor more than ~~24~~ 48 hours of community service for a
18 second or subsequent offense.

19 (B) A fine of not more than ~~thirty-five~~ one hundred dollars
20 ~~(\$35)~~ (\$100) for a first offense and a fine of not more than ~~fifty~~
21 ~~three hundred~~ dollars ~~(\$50)~~ (\$300) for a second or subsequent
22 offense.

23 (2) If the court orders community service, the court shall retain
24 jurisdiction until the hours of community service have been
25 completed.

26 (3) If the hours of community service have not been completed
27 within 90 days, the court shall impose a fine of not more than
28 ~~thirty-five~~ one hundred dollars ~~(\$35)~~ (\$100) for a first offense
29 and not more than ~~fifty~~ three hundred dollars ~~(\$50)~~ (\$300) for a
30 second or subsequent offense.

31 (e) A conviction of paragraph (1) or (2) of subdivision (b),
32 when reported to the department, may not be disclosed as
33 otherwise specified in Section 1808 or constitute a violation point
34 count value pursuant to Section 12810.

35 (f) ~~Any~~ Except as provided in paragraphs (4) and (5), a term
36 of restriction or suspension of the driving privilege imposed on a
37 person pursuant to this subdivision shall remain in effect until the
38 end of the term even though the person becomes 18 years of age
39 before the term ends.

(1) The driving privilege shall be suspended when the record of the person shows one or more notifications issued pursuant to Section 40509 or 40509.5. The suspension shall continue until any notification issued pursuant to Section 40509 or 40509.5 has been cleared.

(2) A 30-day restriction shall be imposed when a driver's record shows a violation point count of two or more points in 12 months, as determined in accordance with Section 12810. The restriction shall require the licensee to be accompanied by a licensed parent, spouse, guardian, or other licensed driver 25 years of age or older, except when operating a class M vehicle, or so licensed, with no passengers aboard.

(3) A six-month suspension of the driving privilege and a one-year term of probation shall be imposed whenever a licensee's record shows a violation point count of three or more points in 12 months, as determined in accordance with Section 12810. The terms and conditions of probation shall include, but not be limited to, both of the following:

(A) The person shall violate no law which, if resulting in conviction, is reportable to the department under Section 1803.

(B) The person shall remain free from accident responsibility.

(4) A six-month suspension of the driving privilege shall be imposed, where the driving record shows that at the time of a violation of paragraph (1) or (2) of subdivision (b) the licensee was involved in a traffic accident resulting in an injury and the licensee was given a value of one point or more under Section 12810 as a result of that incident. The court may reduce the suspension period set forth in this paragraph, if, after the licensee becomes 18 years of age, he or she demonstrates to the satisfaction of the court a need for a reduction.

(5) A two-year suspension of the driving privilege shall be imposed, where the driving record shows that at the time of a violation of paragraph (1) or (2) of subdivision (b), the licensee was involved in a traffic accident that resulted in a death and the licensee was given a value of one point or more under Section 12810 as a result of that incident. The court may reduce the suspension period set forth in this paragraph, if, after the licensee becomes 18 years of age, he or she demonstrates to the satisfaction of the court a need for a reduction.

(g) Whenever action by the department under subdivision (f) arises as a result of a motor vehicle accident, the person may, in writing and within 10 days, demand a hearing to present evidence that he or she was not responsible for the accident upon which the action is based. Whenever action by the department is based upon a conviction reportable to the department under Section 1803, the person has no right to a hearing pursuant to Article 3 (commencing with Section 14100) of Chapter 3.

(h) The department shall require a person whose driving privilege is suspended or revoked pursuant to subdivision (f) to submit proof of financial responsibility as defined in Section 16430. The proof of financial responsibility shall be filed on or before the date of reinstatement following the suspension or revocation. The proof of financial responsibility shall be maintained with the department for three years following the date of reinstatement.

(i) (1) Notwithstanding any other provision of this code, the department may issue a distinctive driver's license, that displays a distinctive color or a distinctively colored stripe or other distinguishing characteristic, to persons at least 16 years of age and older but under 18 years of age, and to persons 18 years of age and older but under 21 years of age, so that the distinctive license feature is immediately recognizable. The features shall clearly differentiate between drivers' licenses issued to persons at least 16 years of age or older but under 18 years of age and to persons 18 years of age or older but under 21 years of age.

(2) If changes in the format or appearance of drivers' licenses are adopted pursuant to this subdivision, those changes may be implemented under any new contract for the production of drivers' licenses entered into after the adoption of those changes.

(j) The department shall include, on the face of the provisional driver's license, the original issuance date of the provisional driver's license in addition to any other issuance date.

(k) This section shall be known and may be cited as the Brady-Jared Teen Driver Safety Act of 1997.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

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